

Application No. 09/845,216
Response to 09/22/2004 Action

Attorney's Docket No. 0119-080

REMARKS

Claims 16-23 are pending. Original claims 1-15 have been canceled, and new claims 16-23 have been added.

The objection to FIGs. 10 and 11 is noted. Replacement Sheets are attached to this Amendment for the Examiner's approval. The legend "PRIOR ART" would be added to each of FIGs. 10 and 11. Approval is respectfully requested.

Claims 1-7 were objected to for various informalities, and claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. These objections and rejections have been obviated by this Amendment, which has canceled those claims.

With respect to new claims 16-23, it may be noted in particular that they more clearly define that effective paths are detected from the received signal and how the matched filter is configured. The Action expressed a concern that one skilled in the art would be unable to distinguish the meaning of a path being effective from any other path. This concern is not understood. Those of skill in this art understand well that the decision for each received path of whether it is effective or ineffective can be made based on various conditions. How to decide is not essential for the present invention. For example, a received signal having a peak value above a predetermined threshold value can be regarded as an effective path signal. Types and/or values of conditions that may be used for determination of an effective path can vary case by case, e.g., by an operator, required reliability, receiver's capability, etc. One skilled in this art would know how to define the condition.

It is respectfully submitted that the new claims meet the requirements of 35 U.S.C. § 112, which after all requires only that the claims be reasonably clear to the artisan. As explained in Section 2173.02 of the MPEP:

"Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if

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other modes of expression selected by applicants satisfy the statutory requirement."

A claim must be considered as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope, and therefore, serves the notice function required by 35 U.S.C. 112, second paragraph. With respect to new claims 17 and 22, for example, the recitations "such as" do not render these claims indefinite. As also explained in Section 2173.02, "The mere use of the phrase 'such as' in the claim does not by itself render the claim indefinite. . . . The test for definiteness under 35 U.S.C. 112, second paragraph, is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification.'"

It is believed that upon approval of the attached Replacement Sheets, this application will be in condition for allowance. An early Notice of same is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

The Office's attention is drawn to the Power of Attorney to Prosecute Applications and the Change of Correspondence Address that are filed with this paper.

Respectfully submitted,



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